

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDRE C. JONES, SR.,

Plaintiff,

-v-

WARDEN CARTER, CAPTAIN GUERRA, CAPT. JOHN
DOE, and CAPTAIN HORTON

Defendants.

CIVIL ACTION NO.: 21 Civ. 8990 (VEC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Plaintiff Andre C. Jones, Sr., who is currently detained in the Anna M. Kross Center on Rikers Island, brings this action pro se, alleging that Defendants violated his federal constitutional rights while he was confined in the Vernon C. Bain Center in the Bronx, New York. The Honorable Valerie E. Caproni has referred this action to me for general pretrial supervision and all dispositive motions. (ECF No. 7).

On December 9, 2021, Judge Caproni directed the New York City Law Department to provide Mr. Jones with the identity and badge number of Defendant “Captain John Doe” and ordered that, “[w]ithin 30 days of receiving this information, [Mr. Jones] must file an amended complaint naming the newly identified individual as a defendant.” (ECF No. 8 (the “December 9 Order”)). The Law Department provided that information to [Mr. Jones] by letter dated February 7, 2022. (ECF No. 13). To date, Mr. Jones has not filed an amended complaint in compliance with the December 9 Order.

On March 14, 2022, Defendants filed a motion to dismiss Mr. Jones’ Complaint in its entirety. (ECF No. 16 (the “Motion”)). On March 15, 2022, the Court sua sponte extended

Mr. Jones' deadline to oppose the Motion to April 28, 2022. (ECF No. 19 at 2). The Court warned Mr. Jones that, if he elects not to amend his Complaint, the Court is unlikely to recommend granting any future request to amend, particularly with respect to substitution of the John Doe defendant. (Id.) On May 9, 2022, having received no filing or other communication from Mr. Jones, the Court "afford[ed] him one final opportunity to respond to the Motion," and directed him to oppose the Motion or file an amended complaint by May 31, 2022. (ECF No. 20). The Court again warned Mr. Jones that, if he elects not to amend his Complaint, the Court is unlikely to recommend granting any future request to amend, particularly with respect to substitution of the John Doe defendant. (Id. at 2). To date, Mr. Jones has not opposed the Motion, filed an amended complaint, or otherwise communicated with the Court.

Accordingly, the Court deems the Motion to be fully briefed and will issue a Report and Recommendation in due course.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at the address below.

Dated: New York, New York
June 16, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

Mail to:
Andre C. Jones, Sr.
141806305
Anna M. Kross Center (AMKC)
18-18 Hazen Street
E. Elmhurst, NY 11370